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Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN
Governor

June 30, 2016

Darrell Townsend II, Ph.D.
Director of Ecosystems Management
Grand River Dam Authority
Ecosystems and Education Center
PO Box 70
Langley OK 74350

Re: Water Quality Certification for amendment to the Pensacola Dam License (FERC License No. 1494).

We have received your request for a Water Quality Certification under Section 401 of the Federal Clean Water Act [(1972)], for the activities to be permitted under the FERC license on Neosho River and Lower Grand Lake O' the Cherokees in Section 14, Township 23 North, Range 21 East, in Mayes County, Oklahoma. Department of Environmental Quality (DEQ) rules governing 401 Water Quality Certification are contained in Oklahoma Administrative Code (O.A.C.) § 252:611-3 (2011) pursuant to 27A O.S. § 2-6-103(C)(2) (OSCN 1999). For copies of the DEQ rules and regulations related to the 401 procedures, please access it online at www.deq.state.ok.us/rules/611.pdf or contact the DEQ Office of External Affairs at (800) 869-1400.

We have reviewed and examined the proposed project and its environmental impacts as described in the *Pensacola Project FERC Project No. 1494, Comment Draft Application for Non-Capacity Related Amendment of License* of March 16, 2016. The Lower Grand Lake O' The Cherokees and Neosho River are assigned the following beneficial uses through the Oklahoma Water Quality Standards (WQS): Warm Water Aquatic Community, Public and Private Water Supply, Agriculture: Livestock and Irrigation, Primary Body Contact Recreation, and Aesthetics (OAC 785:45 Appendix A, Table 1). To obtain a copy of the most recent version of the Oklahoma WQS, please go online to http://www.owrb.ok.gov/util/rules/pdf_rul/current/Ch45.pdf or contact the Oklahoma Water Resources Board at (405) 530-8800.

The proposed activity is a non-capacity related amendment of the Federal Energy Regulatory Commission (FERC) license for FERC Project No. 1494. The Project is operation of the Pensacola Dam hydroelectric facility on the Grand Lake O' Cherokees in Mayes County. GRDA seeks to change the rule curve requirement under Article 401 of the Project license during the August 15 through October 31 period each year, for purposes of promoting public safety, water quality, and recreational enhancement through a peak public recreation period of the year. The proposed change is as follows:

	Reservoir Elevation, feet (Pensacola Datum)
Period	
May 01 – May 31	Raise elevation from 742 to 744
Jun 01 – Jul 31	Maintain elevation at 744
Aug 01 – Aug 15	Lower elevation from 744 to 743
Aug 16 – Sep 15	Maintain elevation at 743
Sep 16 – Sep 30.....	Lower elevation from 743 to 742
Oct 1 – Apr 30.....	Maintain elevation at 742

GRDA also seeks to implement a Storm Adaptive Management Plan and Drought Adaptive Management Plan in conjunction with the requested changes to the rule curve.

The Oklahoma Department of Environmental Quality grants Clean Water Act 401 Water Quality Certification for the amended Pensacola Dam License (FERC License No. 1494) subject to the following conditions.

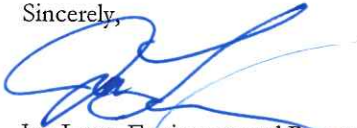


The conditions for the amended Pensacola Dam License (FERC License No. 1494) are:

- 1) This Certification does not authorize any discharge or dredging of soil material in or into the Neosho River or Grand Lake O' Cherokees.
- 2) The reservoir surface elevation will be maintained between 744 and 742 feet, as requested in the proposed project.
- 3) Emergency and Routine Maintenance shall be permitted under the appropriate U.S. Army Corps of Engineers Permit.
- 4) The results of all ongoing testing of dissolved oxygen mitigation measures, as required by the project license, shall be submitted annually to DEQ. DEQ will use the monitoring results to track project's progress toward meeting and remaining in compliance with state water quality standards. DEQ reserves the right to revoke this certification if the activity causes degradation of the water quality of the Lower Grand Lake O' the Cherokees or Neosho River.

If you have any questions regarding this Certification, feel free to contact Elena Jigoulina at 405-702-8200.

Sincerely,



Joe Long, Environmental Programs Manager
Watershed Planning Section
Water Quality Division

Cc: Director, Oklahoma Department of Wildlife Conservation
Kevin Burgess, U. S. Fish and Wildlife Service, Tulsa
Lauren Poulos, EPA Region 6 (6WQ-EM)
Julie Bays, Public Protection Unit Chief, Attorney General of Oklahoma
Derek Smithee, Water Quality Programs Division, Oklahoma Water Resources Board
Brooks Tramell, Monitoring, Assessment and Wetlands Programs, Oklahoma Conservation Commission
Stephen Bowler, FERC, FERC Project Number 1494
Jeanne Edwards, FERC, FERC Project Number 1494